

CITY OF TAKOMA PARK, MARYLAND
(Adopted 3/28/05)

**PRESENTATION, INTERVIEWS, SPECIAL SESSION & WORKSESSION
OF THE CITY COUNCIL**

Monday, March 21, 2005

OFFICIALS PRESENT:

Mayor Porter
Councilmember Austin-Lane
Councilmember Barry
Councilmember Elrich
Councilmember Mizeur
Councilmember Seamens
Councilmember Williams

City Manager Matthews
City Clerk Waters
Senior Planner Inerfeld
Public Works Director Lott
ECD Director Daines
Landlord-Tenant Coordinator Walker

The Council convened at 7:43 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Councilmember Williams commented on the PSCAC Emergency Preparedness program which provided a lot of information.

Councilmember Austin-Lane noted her review of the court document with respect to transport of hazardous materials. She would like for the Council to consider a position on the matter. She remarked about the organization of the film festival and put forth an invitation for participation. The PEN Association continues to have concerns about safety in the Metro area.

Councilmember Seamens commented about medical concerns regarding Belle Zeigler. He noted that while the PSCAC forum was covered by Cable, there were concerns about the broadcasted sound level.

Mayor Porter remarked that she and Ms. Austin-Lane left the forum to go to Annapolis to testify on the bond bills for the community center.

PUBLIC COMMENTS

Rino Aldrighetti, Central Avenue recognized the start of the budget process and contemplation of reducing the content of the Newsletter. The Council should think carefully. Every time it is published, there might be a presentations of pros/cons on issues. He suggested that the City consider free space ads for neighborhood groups—create a sense of emotion. The publication needs to have “roots.” We had a series of conversations about the cost of the community center

and the bond obligation. He remarked about the questions raised in regard to the City Attorney's services.

PRESENTATION

1. Update on Community Center Construction Projection.

City Manager Matthews indicated that she talked to Mr. Norway who identified a "not to exceed \$7500 figure" for the skylight installation. This does not include travel costs.

Ms. Austin-Lane and Ms. Porter asked for clarification about the considerations related to travel costs.

Mr. Seamens questioned the Council's current position on this issue.

Ms. Matthews responded that it is at the Council's direction. At this point, no other work is scheduled to be performed by Abell & Associates unless advised by the Council.

Mr. Williams said that he is not prepared to provide further direction at this point.

Councilmembers Elrich and Barry agreed.

Ms. Matthews explained the update on the community center budget revenues. She remarked about the expenditure items detailed in the agenda materials and explained the need for some out-sourcing of the move that will take place for staff. She will continue to explore options and continues to look at the directional signs—keeping in mind the ADA requirements.

Ms. Austin-Lane asked about future costs for Abell & Associates.

Ms. Matthews responded that their expenses are related to attendance at progress meetings.

Mr. Elrich questioned whether we can charge them for their design mistakes.

Ms. Matthews responded. She then moved to an overview of the PCO's.

Councilmember Mizeur raised a question about the \$13M "dog house" as referred to in the documentation.

Ms. Matthews indicated that she will follow-up with further information.

Mr. Seamens commented that he appreciates the thorough approach and volume of information.

Ms. Matthews explained her financial analysis of the project.

Mr. Williams asked whether the City Manager could characterize a general percentage on the proposed change orders (PCO's) and what we end up paying.

Ms. Matthews responded that it has varied from item-to-item, but has generally fallen in the range of 50-55%. Information will be posted to the web site.

Mr. Williams said that we are planning for the official opening (tentative: September 28). He remarked about other City activities that might conflict with the planned date.

INTERVIEWS

2. Commission on Landlord Affairs (COLTA) - Joanne Hill.

The Council interviewed Ms. Hill for appointment to COLTA.

3. Emergency Preparedness Committee – Steve Cavallo and Wolfgang Mergner.

The Council interviewed Mr. Mergner for appointment to the committee. Steve Cavallo was not present.

SPECIAL SESSION

4. 2nd Reading Ordinance re Trash Truck Purchase.

Moved by Barry; seconded by Elrich.

Ordinance #2005-7 was adopted unanimously (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

ORDINANCE #2005-7 (Attached)

5. Resolution re: Support of 6411 Orchard Avenue Park.

Moved by Williams; seconded by Austin-Lane.

Mr. Williams commented that he does not see this as too much of a change in the current use of the space.

Mr. Seamens thanked Mr. Robinson for his community outreach and the feedback from the neighborhood association.

Ms. Porter noted that the PineCrest community association has taken a position in favor of the resolution.

Resolution #2005-21 was adopted unanimously (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

RESOLUTION #2005-21
(Attached)

WORKSESSION

6. Safe Roadways Committee Recommendations.

Suzanna Banwell (member of the Safe Roadways Committee) provided a summary of the recommendations. The committee incorporated feedback from a variety of sources and developed the follow-up items to support the topics of interest/concern.

Larry Rubin (member of the Safe Roadways Committee) remarked about the traffic issues on Philadelphia Avenue and the early recognition that these issues will escalate, as related to the community center. We have had traffic studies and site visits over the past few years. He commented on the state standards for pedestrian and vehicular traffic. It is a built-in conflict. The City should expand its consideration beyond the state study results. He summarized the responses from three local entities, with respect to the desire for a crossing guard. When the decision was made to build the center, the Council committed to address the concerns about pedestrian safety.

Ms. Banwell referred to their written document and urged the Council to find a way to assign a crossing-guard at RT410/Cedar Avenue. There are only 10 school session weeks left beyond spring break. She remarked about the engineering of the street. The light at Tulip/Carroll is considered to be safe. We have not solved the problem at Holly/RT410. Having stop signs on RT410 may cause unnecessary stops, from the motorist's perspective. The Committee wants the Council to think in the direction of pedestrian safety. She remarked about the proposal to close Old Philadelphia. It seems reasonable. She commented on the importance of and acknowledged police enforcement.

Wolfgang Mergner (member of the Safe Roadways Committee) cited statistics of citation issuance. He commented in support of a crossing guard on Philadelphia.

Mr. Rubin explained the one-way compromises of Old Philadelphia and the stop sign on Flower (noting the history). Neither solution has been working effectively for pedestrian safety.

Ms. Banwell provided further remarks about road maintenance and the impact of a consistent appearance.

Ms. Austin-Lane thanked the group for their work. She wants feedback on a couple of things in the prioritized list. What happened to the exclusion of a traffic/roadway island?

Ms. Banwell responded. We wanted to suggest the safest crossing opportunities for pedestrians and do not want pedestrians stranded on an island.

Ms. Austin-Lane asked where the lighted cross-walks pilot program is on the priority list.

Mr. Rubin responded that it is not in the comprehensive plan because it is not envisioned as most available.

“Male” (unidentified) said that there are other methods to be explored prior to being in the cue for consideration of funding for the program.

Ms. Austin-Lane questioned the location of the proposed bus stop.

Mr. Seamens remarked that it is great to see this momentum. He asked the City Manager whether we could make a commitment to use some of the un-filled Police officer position funds to fund the crossing guard position.

Ms. Matthews responded that she will further explore this matter.

Ms. Austin-Lane remarked that it would send a positive message to the community if we could finish out this current school year with additional an crossing guard.

Mr. Seamens stated that the next phase will be activism.

Robert Patten (member of the Safe Roadways Committee) urged a united front with State Highway Administration (SHA).

Mr. Williams asked whether there was any exploration of moving the sidewalks on Philadelphia to the other side of Cedar. He remarked about “quiet rumble strips” and the appropriate locations.

Ms. Mizeur echoed comments in support of the recommendations. She noted some areas in her Ward that should be on the list of considerations.

“Male” (unidentified) said he hopes that this will pave a better plan for the future.

Ms. Mizeur questioned how SHA evaluates our requests.

Mr. Elrich provided some history.

Robert Patten (member of the Safe Roadways Committee) commended on the impact of politics.

Mr. Elrich said he wants to see remediation of issues on Flower Avenue included in the plan. On Old Philadelphia the Council might consider a certain period where turning patterns are

restricted .

Ms. Banwell urged that the issues be approached as a comprehensive plan.

Ms. Porter thanked the committee for bringing this forward and encouraging a focus on other areas of the City. She asked that the City Manager come back to the Council with ways that we might respond to these recommendations. We need to think about how to work to SHA.

Ms. Mizeur suggested a possible public hearing,

Mr. Patten remarked that the Council and Mr. Rubin have had experience with SHA, requesting that they share advice.

Mr. Seamens commented that it may be premature at this point to go to the state.

Ms. Austin-Lane requested two future agenda items: (1) closing of Old Philadelphia and (2) addition of a crossing guard.

Ms. Mizeur remarked about the “count down” crosswalk signals. Are these standard now? We should advocate for this design as we make our requests.

Ms. Porter noted the repeated SHA argument which would be anticipated (i.e., signal and proximity to crosswalk).

Ms. Austin-Lane said she would appreciate a status on the list of things that SHA put forward after the incident with the young girl being struck by a vehicle. She would like to map-out the maintenance area along RT410.

7. Metropolitan Branch Trail (MBT).

Mr. Inerfeld provided a history of the project and related discussions. He noted persons in attendance for the discussion. Every member, with exception of one, has agreed to one proposal. He described the most preferred design of the working group.

Lorraine Pearsall commented that it would be great if we could incorporate some of this language into the contract. She wants to see Arborist Linkletter’s involvement in a meaningful way. She wants to protect the trees.

Ms. Austin-Lane recalled the last community meeting and the recognition of funding constraints. She wants to stay on top of the budget. She is encouraged with the progress and the areas of recognition (i.e., identification of Jim Befield) along the route.

Bob Patten said that in agreeing to a different paving width and surface, we will have some additional funds that can be used in other aspects of the trail.

Mr. Seamens asked for clarification about the remark with respect to the speed table. He asked about the other concern raised regarding a fence.

Mr. Patten supported a slit-rail fence. He made further remarks about the positive attributes of that design.

Mr. Seamens suggested that the City Manager explore split rail fences.

Mr. Inerfeld and Public Works Director Lott agreed that staff is exploring the maintenance of the steel and split-rail fences.

Ms. Austin-Lane thanked staff for the work in getting to this point.

Ms. Porter added thanks to everyone and particularly, Mr. Inerfeld for work in securing additional funds.

8. Rent Stabilization.

ECD Director Daines summarized previously requested information on this topic and stated some historical information.

Mr. Seamens received clarification about the historical information.

Mr. Barry asked for information about turnover rates in rental units.

Ms. Daines said there are a lot of elements that make up the rent stabilization process. She noted the focus of this evening's discussion.

Ms. Austin-Lane asked if the policy has a differential effect on smaller versus larger property owners.

Ms. Daines said that she is working on information and some assumptions.

Ms. Austin-Lane commented that she is also interested in a comparison of rental information between the City's experience and Wayne Avenue (immediately adjacent; outside of the jurisdiction—between Sligo/Flower).

Ms. Daines responded that staff can explore the question.

Mr. Elrich asked for a breakout of components that go into operating expenses.

Ms. Daines explained that the Department of Labor does not do that. She noted the information that is available.

Mr. Elrich said he will follow-up with the Harrison Institute for additional information. He used the 60/40 scenario, based on the industry at the time. He wants to see how we compare at this time.

Ms. Daines explained the calculation structure. She referred to the reports included in the agenda package item.

Landlord-Tenant Coordinator Walker described how the calculation was developed in 1991 and proposed to the Council.

Mr. Elrich observed the presentation of some interesting numbers (i.e., Santa Monica, CA).

Ms. Daines commented that they have been discussed at staff level. She is not comfortable that it would fit with the City's structure, in the interest of comparison. She made specific references to the California document and process. She referred to page 10 and the percentage break-out as a function of gross rent. She is intrigued by the structure but thinks it would be an intensive formula. Staff have talked to officials in Berkley who once used this process and have now changed to the City's current process. We can get more information. She noted the letter from the county describing their process.

Mr. Elrich questioned whether our system fairly captures costs. He is not interested in what is happening in the market.

Ms. Porter said her recollection of when we changed the process was that there were arguments about annual increases. We went to a formula to eliminate subjectivity in setting the annual increase. If we went to a component system, are we going to be reintroducing subjectivity to the process?

Ms. Daines responded that it depends on the determination of the sample group. She commented on the Harrison report (consistency and uniformity).

Mr. Elrich remarked that this cannot be a political discussion.

Ms. Porter asked how much time would be involved in setting up the Santa Monica break-out.

Ms. Walker responded that whatever system we choose, she wants to make sure that we have the same in each year.

Ms. Daines added that the other option is to look at consumption levels and factor in rate increases. It is a very complex project but possibly one that we could tap into through the county. She remarked about the chart that outlines the jurisdictions reporting on CPI-based systems and elaborated on the rent increase allowance calculations.

Mr. Elrich noted that the City of Berkley and Santa Monica were subject to state legislative

decisions. The reason that we do not have vacancy control is because we were faced with a decision to protect the number of affordable units in the city. He further remarked about “vacancy de-control”.

Mr. Seamens stated that Mr. Elrich has highlighted one of his greatest concerns with the housing market – conversion of apartments to condos. He noted the conversion that is taking place in the Steve Wasser (Lee Avenue) building. What is the City doing to assist these residents?

Ms. Walker responded and elaborated on the situation. We have had discussions with the county. She recognized the dilemma.

Mr. Seamens wants to make sure that the law secures affordable housing in the City.

Mr. Elrich responded.

Mr. Seamens stated that he is looking at the entire picture. Tenants in the City are being squeezed by a decrease in services and increases in expenses (fees/taxes). We cannot ignore that properties are being converted and stick to a position of holding fast to rent control.

Ms. Porter noted that there have always been some conversions. The number of buildings going up for sale speaks more to the rapid increase in property values. Maybe, some of the conversions are assisting with a middle-group housing stock.

Mr. Seamens commented that we have 52 units on Lee Avenue with residents who do not know their destination. We owe it to them to assist in any way possible.

Ms. Walker responded that we are going to work with the owner and through other outreach efforts to identify the options.

Mr. Seamens suggested a couple of contacts.

Ms. Walker said that staff has done some exploration, but one challenge is the willingness/desire of tenants to purchase a condo unit.

Ms. Daines remarked about the homeowner purchase program.

Ms. Walker noted that we have no control over landlords who make a decision to convert properties.

Ms. Porter commented that the City does not encourage depletion of affordable housing units.

Ms. Daines noted that staff will be coming back with an Affordable Housing Action Plan in the next few weeks. More information will be provided.

Mr. Seamens said he wants more information on the conversion rate.

Ms. Porter noted the information provided by staff this evening. She noted that none of the examples look at overall shelters as a factor in the calculation. If we decide to not go with the Santa Monica model (lot of work), we could make some changes to our current approach.

Ms. Mizeur asked for clarification about the county's increase rate.

Ms. Daines responded that it is based on the entire area. Information is collected by the Bureau of Standards. Under the annual increase column, the maximum annual increase is identified.

Ms. Mizeur requested the maximum annual increase in the county.

Ms. Daines offered to provide that information.

Ms. Mizeur referred to the chart. What is the threshold for City landlords in consideration of the current system?

Ms. Daines remarked that we have received a wide range of responses from landlords. There are not a lot of alternatives proposed. She recapped additional points raised this evening--items for staff follow-up.

Mr. Elrich asked for the COG reports on this topic.

Ms. Daines noted that there is also a web site link to HUD information.

Ms. Porter said that she will try to keep this discussion moving forward, noting the number of agenda items in coming weeks.

Ms. Daines added that we have a dedicated space on the web site for the ongoing updates to discussions, information and related documents.

ADJOURNMENT

The Council adjourned for the evening at 10:47 p.m.